

In the District Court for the United States of America

District of New Hampshire

Elvis-Jack: Pacaya,

Claimant

v.

FREEDOM MORTGAGE CORP.

ORLANS PC

FEDERAL MORTGAGE HOME LOAN CORP.

GRAFTON COUNTY SHERIFF'S OFFICE

Respondent

DISTRICT OF NH  
**FILED**  
CLAIMANT'S VERIFIED MOTION  
FOR ENTRY OF DEFAULT JUDGMENT  
2023 JUL 17 A 10 33  
24 HOUR DEPOSITORY  
CASE NO. 1:23-CV-00279-LM

**CLAIMANT'S VERIFIED MOTION FOR ENTRY OF DEFAULT JUDGMENT**

COMES NOW as Claimant, Elvis-Jack: Pacaya, a man in propria persona, non-"pro se" coming with good faith, good conscience, hereby moves this honorable court for entry of Default Judgment against FEDERAL MORTGAGE HOME LOAN CORPORATION ("Respondent")

1. Claimant filed suit against the respondent on May 19<sup>th</sup>, 2023.
2. The court issued a summons for respondent, such summons was received on or about May 22<sup>nd</sup>, 2023.
3. Claimant, by and through and authorized representative had the Fairfax County Sheriff serve the respondent with this summons as well as claimant's claim and other related documents.
4. Fairfax County Sheriff's Office did perfect service of process on June 21<sup>st</sup>, 2023.
5. The due date for respondent to answer claimant's claim was July 12<sup>th</sup>, 2023.
6. As of the date of this filing, claimant has not received an answer in the mail, nor seen evidence of any answer posted to the record of this proceeding.
7. Claimant attaches and incorporates herein by reference his Affidavit affirming the default and the terms by which the court should proceed in addressing such default.

Wherefore, Claimant moves this honorable court to;

- a) Enter a judgement by default against respondent FEDERAL MORTGAGE HOME LOAN CORPORATION
- b) Schedule a hearing so the court may determine what portion of damages respondent is liable for
- c) Further relief as the court may deem reasonable and just.

By: Elvis-Jack: Pacaya  
Pacaya, Elvis-Jack, Claimant

VERIFICATION OF MOTION

STATE OF New Hampshire  
COUNTY OF Grafton

BEFORE ME personally appeared Pacaya, Elvis-Jack who, being by me first duly sworn and identified in accordance with New Hampshire law, deposes and says:

- 1. My name is Pacaya, Elvis-Jack.
- 2. I have read and understood the attached foregoing motion filed herein, and each fact alleged therein is true and correct of my own personal knowledge.

FURTHER THE AFFIANT SAYETH NAUGHT.

By: Elvis-Jack: Pacaya  
Pacaya, Elvis-Jack, Affiant

SWORN TO and subscribed before me Maria Walker, Notary Public, this 17<sup>th</sup> day of July 2023.

Maria Walker  
Notary Public

My commission expires March 9, 2027



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FREEDOM MORTGAGE CORP.  
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FILED

AFFIDAVIT FOR DEFAULT JUDGMENT

2023 JUL 17 A 10:32

24 HOUR DEPOSITORY

CASE NO. 1:23-CV-00279-LM

I, Elvis-Jack: Pacaya, Affiant, hereinafter Claimant, being of lawful age, qualified and competent to testify to, and having firsthand knowledge of the following facts, do hereby swear that the following facts are true, correct and not misleading:

WHEREAS: on May 19<sup>th</sup>, 2023, Claimant filed Verified Claim; in the above stated court and served the respondent, Mortgage Home Loan Corp., who has failed to plea and defend the above case. The record shows that respondent has not made any lawful Return; respondent has not requested more time to answer; and, respondent has provided no lawful objection to the proceedings. Therefore a default judgment is in order. Thereby law requires the above said court to abate at law, schedule a hearing to determine damages, and, order a full accounting of the promissory note that is the subject of this case so that Claimant may be fully availed to all rights, title and interest of the promissory note as discovered by such full accounting,

**Default Judgment – Entering a Default:** “When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend; and, that failure is shown by Affidavit or otherwise [under seal], the clerk must enter the party’s default.” FRCP Rule 55(a); FRP Rule 58(b)(2); 28 U.S.C. § 2243.

<sup>1</sup> “A court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial”. Jones v. Jones, 138 Mo.App 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass, 171, per Shaw, C.J See, also, Ledwith v. Rosalsky, 244 N.y. 406, 155 N.E. 688, 689.

<sup>2</sup> An affidavit uncontested un rebutted unanswered stands as truth. – United States v. Kis, 658 F.2d 526, 536 (7<sup>th</sup> Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982.

State of New Hampshire

County of Grafton

In New Hampshire State, Grafton County, on this 17<sup>th</sup> day of July, 2023, before me, the undersigned notary public, personally appeared Elis-Jacki Pacaya, to me known to be the living man described herein, who executed the foregoing instrument and has sworn before me that he executed the same as his free-will act and deed.

Maria Walker, Notary Public

My Commission Expires: March 9, 2027

